

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

THERESA MCKINNEY,

Plaintiff,

v.

CVS CAREMARK CORPORATION, *et al.*,

Defendants.

:
:
:
:
:
:
:
:
:
:

Case No. 2:13-CV-863

JUDGE ALGENON L. MARBLEY

Magistrate Judge Abel

ORDER

This matter is before the Court on the United States Magistrate Judge's **Report and Recommendation**. (Doc. 22). On January 13, 2014, the Magistrate Judge issued the Report and Recommendation, recommending that the action be remanded. The parties were specifically advised of their right to object to this Report and Recommendation, and of the consequences of their failure to do so. (Doc. 22 at 8). The parties have failed to respond. The deadline for objections lapsed on January 30, 2014.

The Court hereby **ADOPTS** the Report and Recommendation based on the independent consideration of the analysis therein. Because Plaintiff has alleged a colorable claim under Ohio law against Defendant Vandersall, there does not exist complete diversity, and, therefore, this Court lacks subject matter jurisdiction. Thus, this action is **REMANDED** to the Franklin County Court of Common Pleas.

IT IS SO ORDERED.

s/ Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: April 22, 2014